

October 21, 2014

The Manasquan Planning Board held a Second meeting at 4PM on Tuesday, October 21, 2014 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ.

The Chairman greeted everyone and asked them to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

Neil Hamilton, John Muly, Paul Rabenda, John Burke, Mark Apostolou, Kevin Thompson, Robert Young (Mayor's Alternate).

Board Members Absent:

George Dempsey, Joan Harriman, Greg Love, Leonard Sullivan, Peter Ragan

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

Raymond Savacool – T & M Engineer/Planner

Mr. Cramer read the Open Public Meeting Statement.

Neil told the Board members he changed the format of the Agenda.

There is one item of correspondence, Deeds presented to Mr. Cramer on the Sceratto/Howell Subdivision at 374, 375 Beachfront. Geoff has looked at that and the Deed papers can be filed.

RESOLUTION #29-2014 – Schmitz, Roger – 338 First Avenue, 339 Beachfront – Mark Apostolou made a motion to memorialize the Resolution, motion seconded by Kevin Thompson.

Board Members Voting Yes:

Chairman Neil Hamilton, Paul Rabenda, Mark Apostolou, Kevin Thompson and Robert Young

RESOLUTION MEMORIALIZED

RESOLUTION #33-2014 – Fuhrmann, Patrick (John) – 568 Marlin Avenue – Kevin Thompson made a motion to memorialize the Resolution, motion seconded by John Burke.

Board Members Voting Yes:

Neil Hamilton, John Muly, Paul Rabenda, John Burke, and Kevin Thompson

RESOLUTION MEMORIALIZED

Kevin Thompson made a motion to approve the Vouchers, motion seconded by Robert Young, all in favor none opposed.

VOUCHERS APPROVED

APPLICATION #35-2014 – Tritsch, Timothy – 58 Stockton Lake Boulevard – Block: 99 – Lot: 5 – Zone: R-2 – Neil Hamilton stepped down as he lives within 200-feet of the property. Mr. Muly stood in as Chairman. Michael Landis is the attorney representing the applicant. They are seeking two bulk variances, lot area which is an existing non-conformity, and maximum building coverage. He had two witnesses to be sworn in, Timothy J. Tritsch, owner/applicant, Brian Berzinskis, and Ray Savacool. Mr. Tritsch was the first to testify. After Sandy they had almost four-feet of water on their first floor, they found emergency housing, moved their possessions out into storage. They are continuing to rent since the Storm. They did remodel after Sandy, then the remodeler found the house to be so out of square and the back right hand corner of the house was lower by 4-inches than the front left hand. They stopped the remodeling process, hired an Engineer and he found the house was now sitting on unstable muck much like when Stockton Lake is completely drained. His opinion was to not remodel and move back in. They started looking at options. Any new house would have to be at least 4-feet higher, they want to build a house with everything on the first floor, kitchen, dining room, when they started incorporating the garage into that plan they found that the footprint would be larger than the house currently is and that's when they started running into problems being a non-conforming lot and restricted size of the footprint. He explained why they want to exceed the permitted building coverage. The third floor would just be storage as they cannot have a basement. Their lot is unusual in size; the houses adjacent to theirs extend all the way back to the water. There is open space behind his property that is either owned by the Town or the State. The arbitrary border in the back is what is restricting the size of their lot and making it non-conforming. If the back of their property was consistent with their neighbors they would not be here today, they wouldn't need a Variance. John Burke told Mr. Tritsch that he should look into who owns the property and possibly purchase it from them. Mr. Tritsch said since the Storm he is not in a position financially to purchase any property. Mr. Cramer said he can't comment on who owns it from the paperwork in the file. Paul Rabenda suggested Mr. Tritsch look into it. Mr. Landis said they would also have to go through CAFRA, and he would like to proceed with the application and they are willing to look into the matter. Mr. Tritsch said the shed is where it is because that's where Sandy left it. His intention is to put it into accordance with the Site Plan. Ray Savacool said if this is indeed owned by the Borough and its part of their Open Space and Recreation inventory the ability for the Borough to sell that property off to a private homeowner even as Open Space is pretty slim. There is a huge process involved. Kevin Thompson said we need to proceed that doesn't affect today's application. Other Board members asking questions were, Mark Apostolou, Paul Rabenda, and Kevin Thompson. Mr. Tritsch said rumor has it that the Borough used that property as a dump site back in the '20's. Geoff Cramer said the list of property owners within 200-feet does not identify the Borough of Manasquan as having any property within 200-feet. Next, the Architect, Mr. Berzinskis testified, he owns Grasso Design Group, he was accepted by the Board as an expert witness. He had a rendering which was marked as Exhibit A-1; he said they re-created the house as a regular single-family dwelling, by implementing the garage on the first floor level and

therefore the remaining space being great room, kitchen, dining and living space. It's a two-story dwelling, it will have a walk-up attic, and no living space there it will not be finished but used for storage. The mechanicals will be up there as well. Mr. Landis said for a C Variance one of the key phrases is undue hardship and the application should be favorably considered. The shallowness of the property demonstrates the need for the Variance request. Mark Apostolou made a motion to open the meeting to the public, motion seconded by Kevin Thompson, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion of the meeting, seconded by Kevin Thompson, all in favor none opposed. Mark Apostolou made a motion to approve the application with the stipulations, the motion was seconded by Kevin Thompson.

Board Members Voting Yes:

John Muly, Paul Rabenda, John Burke, Mark Apostolou, Kevin Thompson, and Robert Young.

APPLICATION APPROVED

APPLICATION #34-2014 – Nuzzolo, Anthony – 264 Cedar Avenue – Block 86 – Lot: 9, 10 – Zone: R-2 – Mr. Cramer swore in Anthony and Vanessa Nuzzola – owners/applicants, and their Architect Mary Hearn. Vanessa gave her testimony, they have a young son who started Kindergarten last year and they love living in Manasquan. They need an office in the house for her husband who owns his own business; he does go out to work but works at home at night. They are proposing a wrap-a-round porch as they like to interact with their neighbors. Because of health issues they need to have a livable space on one floor. Next, Mary Hearn testified the lot is in the R-2 Zone, it's 5000-square-feet, and it's 50-feet wide by 100-feet deep. Presently, the house that is on the lot is conforming in Use but not in Bulk. The existing house has a side yard setback to the East of 3-feet and they are not changing that, they are not moving the bulk of the original house, they are only replacing a little addition on the west side. There is a bump out on the side that provides a family entry on the west side and they re-worked it to make it more functional. She included the existing floor plans so the Board could see how the house exists. Years ago the walk way to the rear of the house was closed off, they cleaned all of that up and propose to put back what was good on the first floor, open the kitchen up and give it light and make it much more functional, be able to be in the kitchen and be able to see into the family room and the play room. They propose to add to the front porch and add a study to the front of the house. The front porch would line up to the front of the house and wrap around to a door in the study. There would be a modest addition on the second floor to improve the non-existing closet space. She had a picture of the existing house and a rendering of the proposed house.

Geoff said the first picture would be marked A-1, the colorized rendering was marked A-2. Her office took pictures of the neighborhood a few weeks ago and on the rear of the board was an aerial view of the neighborhood. The existing building coverage is at 26.8% that is the house, the front porch, the side porch and a shed that currently exists on the property. If approved they will be at 34.9%, 30% is allowed, that is the house, the addition, covered front porch, covered front porch addition, covered side porch which is only 17-square-feet and an exterior shower that is planned at the rear under cover. When you break it down the proposed house, would be 1,496-square feet or 29.8%, and the porches would comprise

256-square feet, which is 5.1%. The solid part of the house would comply, but the porches set them over. Quite a bit of the property is going to feel open. Mr. Burke asked if the applicant would testify on the record that the porches will never be enclosed. Vanessa said yes. The mechanicals will be on the westerly side of the house 9.8-feet off of the property line at their closest point. Neil asked Ray Savacool to address his report. He asked Mary Hearn to explain the indication that the front porch is going to be closer to the front setback line now marginally. Mary said as usual the house is not exactly parallel with the property line, our porch on the west side is slightly further back on the east side than the west side. If you are looking down at the map our porch skews slightly toward the property line as we go from east to west. Because we are proposing an addition to that on the west, if we continue that straight line we are getting slightly inches closer to the property line as we move west. Ray said in her opinion its deminimus and she agreed it is. Ray said they indicated the shed would be removed. Next, he asked her to comment on the flood zone. Mary had a printout from the FEMA map, the property is in Zone X, not in a flood zone, where the house is, at our sidewalk and across the Street is in the flood zone AE9. Even our addition as proposed with the porch, which would be the closest point, is still outside of the flood zone. The Nuzzolo's testified that they did not flood during Sandy, their basement was dry. Mary said the elevation of the site is from 9 to 10-feet, so at their lowest point on the site they are at flood level. Neil said across the Street is slightly lower. Mary told Ray that if they are approved tonight they are happy to provide a grading plan and be compliant with 28-1.3. She said they are seeking building coverage variances but they are compliant with the impervious coverage, which she hopes helps the case, they don't expect to have a lot of impervious coverage on the site to help with the grading and drainage. If the curb or sidewalk is damaged during construction of course they will be replacing it. John Muly in addressing the TRC report, he asked what material would be used for the patio in the back. Mary said the hope is blue stone with gaps not mortared in so it's not considered impervious coverage. She has gone over this with Mr. Furey in the past on other applications and stated the sidewalks, the front walk, the side walk and the back patio would not be considered impervious in the eyes of your Ordinance. We are happy to stipulate to that as a condition and mark it as such. Kevin Thompson made a motion to open the meeting to the public, motion seconded by Robert Young, all in favor none opposed. There was no public participation; Mark Apostolou made a motion to close the public portion, seconded by Kevin Thompson. Kevin Thompson moved to approve the application as stated today with the stipulations they were willing to make, the motion was seconded by Mark Apostolou.

Board Members Voting Yes:

John Muly, Paul Rabenda, John Burke, Mark Apostolou, Kevin Thompson, Robert Young and Neil Hamilton.

APPLICATION APPROVED

APPLICATION #31-2014 – Monteverdi – Erin & Estate – Architect, Richard Gascoyne – 10 Riddle Way – Block: 169.03 – Lot: 8 – Zone: R-3 – Robert Young recused himself as he was noticed on this application. Mr. Cramer swore in Richard Gascoyne, Architect for the applicant, and Brian Monteverdi son of the Estate owner/applicant. Mr. Gascoyne gave the background and the reason for the relief requested. He said they are not proposing any additions to the building; the only construction is enclosing the roof over the center portion

of the first floor, middle of the house, then an addition of a second level above the garage. Setbacks stay the same; the height is within the allowable range. He received the TRC report, they made three comments. Proposed increase in building coverage from 50% permitted to 53.2%, that is what is there today and it is not changing. The second comment is remove the shed, there is a small shed toward the north easterly corner of the property, it's essentially on the property line, he took pictures of the adjacent properties and across the Street, all of the properties to the north have a shed or a garage on the property line. The properties to the south of Monteverdi's across the Street, has a garage and adjacent to the Monteverdi's is a pretty good size parking lot. The third comment, replace sidewalks and driveway, he took several pictures of the sidewalk and driveway, he states the sidewalks are in very good condition, the driveway has an expansion crack behind the property line, maybe six feet in, which he would think will get damaged during construction and that would probably be replaced, it's very minor. Neil asked if the sidewalk is smooth and not a tripping hazard. Mr. Gascoyne said it's smooth. He is asking the Board to keep the shed where it is which would need a Variance, based upon the fact that other property owners have a similar situation. Mr. Monteverdi said the house has been in his family for forty plus years, his brother and he are going to take it over once the Estate settles, the shed has been there for as long as he can remember. They maintain it, it looks clean it looks like its part of the house. It's on a concrete pad. Mr. Hamilton said when the Board mentions these items, we know there are other sheds down there and we note that, but when you are going to elevate a house, you have a two-car garage, he doesn't know that he has ever seen cars parked in that garage, usually the doors are up and it's used for a hang-out place. You do satisfy the off Street parking because of the width of the driveway. Any time we can get a parcel like yours and we have an opportunity to lessen somewhat of the impact, whether by Zoning or by sight that it looks a little bit more presentable to the public, we try to achieve that. You have a limited amount of grass, if you can get your storage in the garage, or if you are going to hang tough and ask the Board to approve the shed, that will be their call. Mr. Monteverdi said there are two families now, growing up there was only one family, so now we have his kids and my kids and there are a lot more things, bicycles, skim, surf boards, whatever it is, and our garage is used as a recreation, gathering area. He would ask the Board to take that into consideration, he grew up in that house for forty plus years and they have always used the garage for recreation. The house will be elevated but not the garage; they had 4-feet of water inside the main house during the Storm. Paul Rabenda said you can store some of your items under the house. There was discussion about the air conditioning units. Kevin Thompson said he personally doesn't have an issue with the shed, living at the beach you are always looking for places to put stuff. Kevin made a motion to open the meeting to the public, the motion was seconded by Mark Apostolou, all in favor none opposed. There was no public participation. Kevin Thompson made a motion to close the public portion, motion was seconded by Mark Apostolou, all in favor none opposed. The Architect gave his closing statement; Neil said there are two Variances, the shed and the A/C Units. The building coverage will increase by 3.2%. As far as the A/C Unit, Neil said he would rather see it stay where it is because it is not impacting the neighbors and it is hidden. The driveway and apron will be replaced as well as the sidewalk if they get damaged during the course of

construction. Kevin Thompson made a motion to approve the application as proposed; the motion was seconded by John Muly.

Board Members Voting Yes:

John Muly, Paul Rabenda, Mark Apostolou, Kevin Thompson – Mayor Dempsey recused as he did not sit for the entire presentation.

Board Members Voting No:

John Burke – because he feels the A/C unit should be moved

APPLICATION APPROVED

Comments from Board members – Mark Apostolou asked if there was a way to get an e-book of Cox. Mary will look into it.

Geoff Cramer had comments on the Warjanka application. The recorder was not turned off as nothing is hidden. Mr. Cramer said he had a conversation with the attorney representing the Warjanka's and Mr. Henderson, the attorney for the objectors, the Keils. Mr. Holzapfel said he thinks they have a proposal that he would like to air before the Board and it is one that would have him hardening the setbacks on the new lot to be created. His client's would agree to Deed restrictions for all the setbacks, they would not be able to get any Variance relief for this new lot. Also, any house to be constructed on the new lot would be fully conforming to the Bulk requirements of the Borough of Manasquan Zoning Ordinance. Neil said so the Warjanka's would have a nearly conforming lot and they want to reduce the size of the subdivided lot, that's going to be under conforming so they want to deviate even more from what we thought, was a fair compromise. John Muly said this is what they wanted in the first place. Geoff said 40-feet for the Warjanka's, 27-foot frontage for the new lot to be created. He pointed out that the lot on which the Warjanka's house sits on was a severely deficient lot in terms of frontage at the time the property was developed by Mrs. Allocco. She came before the Board represented by Keith Henderson, seeking all sorts of Variance relief from the requirements of the Zoning Ordinance. Mr. Cramer said keep in mind that you have rules and regulations that allow them a 60-day window of opportunity to ask you to reconsider. Geoff will go back to the attorney and tell him they can reapply but there is no guarantee. Mark said we will be open minded and fair as we always are.

John Muly made a motion to adjourn the meeting made by Robert Young, seconded by Kevin Thompson, all in favor none opposed.

MEETING ADJOURNED AT 5:29PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary

